

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 201

HOUSE BILL 2251

AN ACT

AMENDING SECTION 15-764, ARIZONA REVISED STATUTES; RELATING TO SPECIAL
EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-764, Arizona Revised Statutes, is amended to
3 read:

4 15-764. Powers of the school district governing board or county
5 school superintendent

6 A. The governing board of each school district or the county school
7 superintendent shall:

8 1. Provide special education and related services for all children
9 with disabilities and make such programs and services available to all
10 eligible children with disabilities who are at least three years but less
11 than twenty-two years of age, EXCEPT THAT A PERSON WHO IS BEING PROVIDED
12 SPECIAL EDUCATION SERVICES AT THE TIME THE PERSON REACHES TWENTY-TWO YEARS OF
13 AGE SHALL CONTINUE TO RECEIVE SPECIAL EDUCATION SERVICES FROM THAT SCHOOL
14 DISTRICT UNTIL THE END OF THAT SCHOOL YEAR.

15 2. Employ supportive special personnel, which may include a director
16 of special education, for the operation of special school programs and
17 services for exceptional children.

18 3. To the extent appropriate, educate children with disabilities in
19 the regular education classes. Special classes, separate schooling or other
20 removal of children with disabilities from the regular educational
21 environment shall occur only if, and to the extent that, the nature or
22 severity of the disability is such that education in regular classes, even
23 with the use of supplementary aids and services, cannot be accomplished
24 satisfactorily.

25 4. Provide necessary specialized transportation in connection with any
26 educational program, class or service as required by the pupil's
27 individualized education program.

28 5. Establish policy with regard to allowable pupil-teacher ratios and
29 pupil-staff ratios within the school district or county for provision of
30 special education services.

31 B. The special education programs and services established pursuant to
32 this section and section 15-765 shall be conducted only in a school facility
33 which houses regular education classes or in other facilities approved by the
34 division of special education.

35 C. The governing body of each school district, county or agency
36 involved in intergovernmental agreements, in cooperation with another school
37 district or districts, may establish special education programs for
38 exceptional children. When two or more governing bodies determine to carry
39 out by joint agreement the duties in regard to the special education programs
40 for exceptional children, the governing bodies, in accordance with state law
41 and the rules of the division of special education, shall establish a written
42 agreement for the provision of services. In such agreements, one governing
43 body of each school district, an agency involved in intergovernmental
44 agreements or the county shall administer the program in accordance with the
45 contract agreement between the school districts. Tuition students may be

1 included in the agreement. The agreement may also include lease-purchase of
2 facilities for the special education programs for exceptional children.

3 D. The county school superintendent, upon approval of the division of
4 special education, may establish special education programs in the county
5 accommodation schools under the jurisdiction of the superintendent or may
6 cooperate with other school districts by agreement to provide such services
7 for such special programs in accordance with the rules of the division of
8 special education. At the beginning of each school year the county school
9 superintendent shall present an estimate of the current year's accommodation
10 school exceptional programs tuition cost to each school district that has
11 signed an agreement to use the services of the accommodation school. The
12 tuition shall be the estimated per capita cost based on the number of pupils
13 that each school district has estimated will enroll in the program, and the
14 school district shall pay the tuition quarterly in advance on July 1, October
15 1, January 1 and April 1. Increases in enrollment during the school year
16 over the school district's estimate of July 1 shall cause the tuition charges
17 to be adjusted accordingly. In the event of overpayment by the school
18 district of residence, the necessary adjustment shall be made at the close of
19 the school year.

APPROVED BY THE GOVERNOR MAY 11, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 11, 2007.